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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES COTTLE and FREDERICK
SCHOENEMAN on behalf of themselves and
all others similarly situated,

Plaintiff,

v.

PLAID INC., a Delaware corporation,

Defendant.

Case No. 4:20-cv-3056

Case No. 3:20-cv-4230

CLASS ACTION

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

[N.D. Cal. Civil L.R. 3-12, 7-11]

1 Plaintiff Logan Mitchell moves to relate *Mitchell v. Plaid Inc.*, No. 3:20-cv-4230, to *Cottle*
2 *v. Plaid Inc.*, No. 4:20-cv-3056.

3 **I. LEGAL STANDARD FOR RELATING CASES**

4 “Whenever a party knows or learns that an action, filed in or removed to this district is (or
5 the party believes that the action may be) related to an action which is or was pending in this District
6 as defined in Civil L.R. 3-12(a), the party must promptly file in the lowest-numbered case an
7 Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-
8 11.” Civil L.R. 3-12(b).

9 Under Civil Local Rule 3-12(a), “[a]n action is related to another when: (1) The actions
10 concern substantially the same parties, property, transaction or event; and (2) It appears likely that
11 there will be an unduly burdensome duplication of labor and expense or conflicting results if the
12 cases are conducted before different Judges.” Civil L.R. 3-12(a).

13 **II. THE NEWLY FILED ACTIONS SHOULD BE RELATED**

14 Plaintiff Logan Mitchell respectfully submits that *Mitchell v. Plaid Inc.*, No. 3:20-cv-4230,
15 should be related to *Cottle v. Plaid Inc.*, No. 4:20-cv-3056. The complaint in *Cottle v. Plaid Inc.*,
16 No. 4:20-cv-3056, was filed on May 4, 2020, and Plaintiff filed her action on June 25, 2020.

17 Both actions allege that the same Defendant, Plaid Inc. violated various state and federal
18 privacy statutes by deceiving customers into handing over sensitive financial and transactional
19 information. As can be readily seen by comparing the Complaints in these actions, they involve
20 substantially the same subject matter and parties. *See* Decl. of Aaron M. Sheanin, Exs. A–B
21 (Complaints filed in the Northern District). Both Complaints allege that Defendant Plaid Inc.
22 violated, *inter alia*, the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the Stored
23 Communications Act (18 U.S.C. § 2701), the California Unfair Competition Law (Cal Bus. & Prof.
24 Code § 17200 *et seq.*), the California Anti-Phishing Act of 2005 (Cal Bus. & Prof. Code § 22948.2
25 *et seq.*), California’s Comprehensive Data Access and Fraud Act (Cal Pen. Code § 502 *et seq.*),
26 California Civ. Code § 1709, and Article I of the California Constitution, and bring certain
27 additional common law claims. And both cases allege similar facts and details about how Defendant
28 violated these laws.

Accordingly, these cases call for determination of multiple questions of fact and law that are the same or substantially similar, including whether Defendant Plaid Inc. violated state and federal privacy laws and the amount of damages owed to the proposed classes. Given the substantial overlap in the parties, relevant transactions and events, and questions of fact and law in these actions, relating them will avoid waste of the Court's resources and prevent inconsistent results. It will also assist in the most just and efficient resolution of these actions. See Fed. R. Civ. P. 1.

III. CONCLUSION

For the reasons set forth above, Plaintiff Logan Mitchell respectfully requests that the Court order that *Mitchell v. Plaid Inc.*, No. 3:20-cv-4230, be related to the lower-numbered case, *Cottle v. Plaid Inc.*, No. 4:20-cv-3056.

DATED: June 26, 2020

ROBINS KAPLAN LLP

By: /s/Aaron M. Sheanin

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2020, I electronically filed the foregoing document entitled **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED** with the Clerk of the Court for the United States District Court, Northern District of California using the CM/ECF system and served a copy of same upon all counsel of record via the Court's electronic filing system.

/s/ Aaron M. Sheanin

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